

**COMMERCE AND HUMAN RESOURCES COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

***Table of Contents***

***2007 Legislative Session***

**IDAPA 15 - OFFICE OF THE GOVERNOR**

**DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

***15.04.01 - Rules of the Division of Human Resources  
and Personnel Commission***

Docket No. *15-0401-0601* .....2

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

***59.01.03 - Contribution Rules For The Public Employee  
Retirement System Of Idaho (PERSI)***

Docket No. *59-0103-0701* .....38

# **COMMERCE & HUMAN RESOURCE**

## **IDAPA 15 - OFFICE OF THE GOVERNOR DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

### **15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

**DOCKET NO. 15-0401-0601**

#### **NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is **October 18, 2006.**

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-5309, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary:

**Changes to definitions, veterans preference, compensation of employees, moving expense reimbursement, probationary period for acting and temporaries, performance evaluation, military leave, overtime for executives and bone marrow and organ donor leave to comply with new code provisions.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Temporary rules are necessary to comply with new provisions in Idaho Code.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Daniel Steckel 429-5507.

DATED this 26th day of October, 2006.

Carolyn Terteling-Payne, Administrator  
Division of Human Resources  
700 West State Street  
P.O. Box 83720, Boise, ID 83720-0066  
(208)429-5500 / (208)334-3182 (fax)

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

## ***THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE***

### **010. DEFINITIONS.**

Each of the terms defined in these rules shall have the meaning given herein unless a different meaning is clearly required by the context. Additional definitions are contained in Section 67-5302, Idaho Code. (3-16-87)

**01. Administrator.** The Administrator of the Division of Human Resources in the Office of the Governor. (3-16-04)

**02. Allocation.** The assignment of a classification to a pay grade in the compensation schedule. (3-16-04)

**03. Appeal.** Any written request for relief from dismissal, demotion, suspension, or other adverse action filed with the Commission by an employee, appointing authority, or applicant. The meaning of appeal includes application, petition, or protest. (3-16-04)

**04. Appellant.** An employee, appointing authority, or applicant filing an appeal or a petition for review with the Commission. (3-16-04)

**05. Appointing Authority.** "Appointing Authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to hire, dismiss or otherwise significantly impact the employment status of individuals in any department. (Ref. Section 67-5302(3), Idaho Code) (3-16-04)

**06. Appointment, Limited.** The appointment of a person to a classified, position where the work is projected to be of limited duration, for which the person has qualified by examination. (3-16-04)

**07. Appointment, Nonclassified.** The appointment of a person to a position exempt from the application of these rules by the provisions of Section 67-5303, Idaho Code. (7-1-87)

**08. Appointment, ~~Original or~~ Initial.** ~~For purpose of assigning veteran's preference points, the first time a person is hired by a state agency after attaining eligible veteran's status.~~ Means the first time a qualified veteran is hired by the state. "Initial appointment" shall not include: (Ref. Section 65-506(3)2(4), Idaho Code and Rule 102.04) ~~(3-16-04)~~(10-18-06)T

**a.** Jobs held by patients, inmates or students employed at a state institution; (10-18-06)T

**b.** Temporary or casual employment; or (10-18-06)T

**c.** An office filled by election. (10-18-06)T

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**09. Appointment, Permanent.** The appointment of a person to a classified position who has been certified by the appointing authority to have successfully completed the required probationary period and whose employment is permanent, subject to removal or discipline only under the provisions of Chapter 53, Title 67, Idaho Code, and the rules of the Division of Human Resources and Idaho Personnel Commission. (3-16-04)

**10. Appointment, Probationary.** The appointment of a person to a classified position for which the person has qualified by examination but is serving a work trial period as a condition for certification to permanent appointment. (4-5-85)

**11. Appointment, Project Exempt.** The appointment of a person to a nonclassified position established under federal grants, which by law restricts employment eligibility to specific individuals or groups on the basis of non-merit selection requirements. (Ref. Section 67-5303(m), Idaho Code) (3-16-04)

**12. Appointment, Provisional.** The appointment of a person to a position in classified service for which the person has not qualified by examination pending the establishment of a register for the classification of such position. (3-16-04)

**13. Appointment, Seasonal.** An appointment to a regular position in classified service with intermittent work periods. (Ref. Section 67-5302(31), Idaho Code) (3-16-04)

**14. Appointment, Temporary.** The appointment of a person to a nonclassified position which is ~~not permanent in nature~~ limited in duration, and in which hours worked will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period for any one (1) department. Such appointments also may occur for intermittent periods of time and include recurring assignments. (Ref Section 67-5302(33), Idaho Code)  
(3-16-04)(10-18-06)T

**15. Base Pay.** The rate of pay for performing a job which does not include bonuses, shift differentials, geographic differentials, overtime or other compensation premiums.  
(10-18-06)T

**16. Bureau Chief or Equivalent.** An employee assigned responsibility for managing a bureau. A bureau is typically a principal unit of a division with several subordinate sections. A classification can be designated as equivalent to a bureau chief by the Administrator if it is structured similarly in terms of organization and level of responsibility. Such positions will typically have seven hundred (700) or greater Hay evaluation points. (10-18-06)T

**157. Certifiable Range.** An examination score and a rank on an eligibility register sufficiently high to be among the top ten (10) available names, plus names of all individuals with scores identical to the tenth ranking eligible, for certification to fill a position in the classification for which the register was established. (3-16-04)

**168. Classification Specification.** A written statement of the purpose and responsibilities characteristic of a classification, which includes the title, principal accountabilities, and minimum qualifications of education, training and experience, abilities, knowledge, skill, and other qualifications required to perform the work of the classification.

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

(3-16-04)

**179. Classification Schedule.** All classification specifications utilized in classified service listed by title, classification code, and pay grade to which allocated. (3-16-04)

**1820. Classified Service.** That body of positions in state departments subject to Chapter 53, Title 67, Idaho Code, as defined therein and excludes temporary, project exempt, and nonclassified appointments. (7-1-87)

**21. Compa-Ratio.** The percentage difference between salary and salary range mid point. Compa-ratio is derived by dividing an employee's base pay rate by the salary range mid point. (10-18-06)T

**1922. Compensation Plan.** The overall system of salary administration for classified service including Sections 67-5309A, 67-5309B and 67-5309C, Idaho Code; the classification and compensation schedules; Division of Human Resources and Idaho Personnel Commission rules and policies; and departmental policies governing employee pay. (3-16-04)(10-18-06)T

**203. Compensation Schedule.** The pay grades established by the Division of Human Resources by rule per Section 67-5309B(1), Idaho Code, and associated rates of pay established in Rule 070-05. (3-30-01)(10-18-06)T

**214. Consultant.** An independent contractor who provides professional or technical advice, counsel, or service on a set fee basis. (Ref. Rule 050) (3-16-04)

**225. Demotion.** The reduction of an employee from a position which the employee occupies in one (1) classification to a position in another classification in a lower pay grade. (3-16-04)

**236. Departmental Classification.** A classification of positions that is unique to a department. (3-16-04)

**247. Dismissal.** The separation of an employee from classified service with cause assigned by the appointing authority pursuant to Rule 190. (7-1-87)

**258. Due Process.** As related to Idaho's Personnel System for permanent classified employees, the activities required to address an individual's constitutional right to notice and an opportunity to be heard. (Ref. Section 67-5315, Idaho Code). (3-16-04)

**269. Earned Administrative Leave (EAL).** Paid leave for hours worked which exceed the regularly scheduled hours but do not result in overtime. These hours may accrue after hours worked and hours on paid leave exceed forty (40) hours in one (1) workweek. In the case of those employees engaged in law enforcement, correctional, and firefighting activities characterized by irregular shift work schedules, EAL hours may accrue after hours worked and hours on paid leave exceed one hundred and sixty (160) hours in a period of twenty-eight (28) consecutive days. (3-30-01)

**2730. Employee.** Any person in the employ of a state department who is paid a salary or

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

wages. (4-5-85)

**2831. Employment History.** The information available to the public without the employee's consent in accordance with Section 9-340(C), Idaho Code, for every agency for which a current or former public official works, including the official reason(s) for separation from employment but not including accrued leave balances or usage. (3-30-01)

**2932. Examination.** The application of written tests, oral interviews, performance tests, investigation, physical evaluation, evaluation of education and experience, or any other measure of job-related knowledge and ability, including performance in probationary periods. (4-5-85)

**303. Factoring.** The assignment of *Hay* evaluation points to a classification in accordance with ~~Section 67-5309B, Idaho Code, and~~ Rule 074. ~~(3-30-01)~~(10-18-06)T

**344. General Classification.** A classification of positions that is common to more than one participating department. (3-16-04)

**325. Good Cause.** The conduct of a reasonable person in the same or similar circumstances. (7-1-87)

**36. Hay System.** The methodology currently used by the state of Idaho for establishing the relative value of jobs and is used as a dimension of the pay system. The Hay system makes use of compensable factors or job attributes as a basis for evaluating the relative worth of one job against another. (10-18-06)T

**337. Hiring List.** A hiring list is a subset of a register (Rule 010.61). A hiring list consists of the top ten (10) individuals, plus all individuals tied for the tenth position, certified as eligible for a specific recruitment. Candidates for reinstatement and/or transfer may be considered and are provided in addition to the top ten. (3-16-04)

**348. Hours Worked:** (7-1-87)

**a.** Those hours actually spent in the performance of the employee's job, excluding holidays, vacation, sick leave or other approved leaves of absence, and excluding on-call time. (Ref. Rule 010.402) ~~(3-30-01)~~(10-18-06)T

**b.** Travel time shall be compensated pursuant to policy set forth by the Board of Examiners. (3-30-01)

**c.** Attendance at lectures, meetings, training programs and similar activities outside of the employee's regular working hours when attendance has been directed by the appointing authority or designee. (5-15-85)

**359. Incumbent.** Any person holding a classified or non-classified position in state service. (7-1-87)

**3640. Independent Contractor.** Any person, firm, or corporation meeting the Internal Revenue Service's test for an independent contractor or a self-employed person. (Ref. Rule

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

010.21) (3-16-04)

**~~3741.~~ Interested Person.** A person or department directly affected by a rule, statute or department action or inaction. (6-30-78)

**~~3842.~~ Intoxication.** Being under the influence of alcohol, or misuse of medication or controlled substances. (Ref. Rule 190.01.f.) (3-30-01)

**~~3943.~~ Involuntary Transfer.** A significant change in work location, shift and/or organizational unit made as a result of a management decision as opposed to an employee's request or agreement to transfer. (3-30-01)

**44. Key Employee.** For veteran purposes, an individual specifically hired for an "at will" or nonclassified position for which there is no or a limited selection process, such as a position as a private secretary or deputy to an official who holds a confidential relationship to the appointing or employing officer. (Ref. Section 65-502(5), Idaho Code). (10-18-06)T

**~~405.~~ Layoff.** An involuntary reduction in hours of work or separation of an incumbent in the classified service either by reduction in force due to shortage of work or funds, or abolishment of positions. (4-5-85)

**~~446.~~ Layoff Unit (Organizational Unit).** A smaller geographic, programmatic, or other identified subdivision of a department determined by the appointing authority and approved by the administrator for the purpose of conducting a reduction in force (Rule 140). (3-16-04)

**~~427.~~ Leave of Absence with Pay.** A period of absence from duty with the approval of the appointing authority, or as required or allowed by law or these rules, during which time the employee shall be compensated. Leaves of absence with pay have no adverse effect on the status of the employee and include the following leaves: vacation leave, sick leave, special leave situations, and compensatory time off for overtime worked. (3-30-01)

**~~438.~~ Leave of Absence Without Pay.** A period of absence from duty with the approval of the appointing authority, or as required or allowed by law or these rules, during which time the employee shall not be compensated. (7-1-87)

**~~449.~~ Light or Limited Duty.** A general term describing a temporary limited assignment in relation to recovery from injury, illness or other limiting condition as approved by the appointing authority. (3-16-04)

**~~450.~~ Merit Increase.** The advancement of an employee's base pay compensation in accordance with Section 67-5309C(b)B, Idaho Code. (7-1-87)(10-18-06)T

**51. Merit Increase Matrix.** A pay distribution tool adopted by the state of Idaho used to advance employees pay based on performance and market data. (10-18-06)T

**52. Military Duty.** For veteran preference points. Training and service performed by an inductee, enlistee or reservist or any entrant into the armed forces of the United States, provided "military duty" shall not include active duty training as a reservist in the armed forces of

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

the United States or as a member of the National Guard of the United States where the call is for training only. (Ref. Section 65-502(6), Idaho Code.) (10-18-06)T

**4653. Minimum Qualification Specialty.** A minimum qualification required for one (1) or more positions in a classification that is in addition to the other minimum qualifications required for all positions in the classification. (3-16-04)

**4754. New Classification.** A classification that is not essentially described by any existing job classification. (3-16-04)

**4855. Occasional or Sporadic Work.** Work that is voluntarily performed by an employee in a different capacity from the employee's regular work and is infrequent, irregular or occurring in scattered instances. (7-1-87)

**4956. On-Call Time.** Time when an employee is required to carry a pager, cellular phone, or to leave word at home or with the department where the employee may be reached if needed to work, and the employee can use the time effectively for personal purposes. (3-30-01)

**507. Overtime.** Those hours defined as such in Section 67-5302(~~4920~~), Idaho Code, excluding any time, such as traded time and occasional or sporadic work, that is specifically excluded from the overtime calculation by federal law. (~~7-1-87~~)(10-18-06)T

**548. Pay Line Exception.** A temporary assignment of pay grade, pursuant to Section 67-5309C(~~b~~)(~~i~~)D, Idaho Code, in excess of the pay grade allocated pursuant to Section 67-5309B(~~a~~), Idaho Code, as approved by the administrator. (~~3-30-01~~)(10-18-06)T

**59. Permanent.** An employee in the classified service who has successfully completed entrance probation. Such employees remain subject to separation as set forth in these rules and Idaho Code. (10-18-06)T

**5260. Position, Classified.** A position subject to Chapter 53, Title 67, Idaho Code, and these rules in which one (1) person is hired as a full-time or part-time employee; or in which two (2) or more persons share in the aggregate of the position. (7-1-87)

**5361. Promotion.** The advancement through the competitive process of an employee with permanent status from a position which he or she occupies in one (1) classification to a position in another classification having a higher paygrade. (3-16-04)

**5462. Promotion, In-Grade.** To reflect unique agency organization design, an agency may choose to request an internal competitive process to recognize the advancement of an employee with permanent status from a position which he or she occupies in one classification to a position in another classification having greater *Hay* evaluation points, more responsibility, or a unique specialty area, but within the same pay grade. With the approval of the administrator, an in-grade promotion will be treated in all regards as a promotion. (~~3-16-04~~)(10-18-06)T

**5563. Rating/Job Point Factoring.** The number of *Hay* evaluation points assigned to a classification in accordance with Rule 074. (~~3-16-04~~)(10-18-06)T



# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**564. Reasonable Accommodation.** An adjustment made to a job and/or work environment that enables a qualified individual with a disability to perform the essential functions of the position and would not cause undue hardship on the operation of the department. (Ref. Rule 190.01.c.) (7-1-87)

**5765. Reclassification of a Position.** A change of a position from the classification to which it is assigned to another classification. (3-16-04)

**5866. Reclassification of an Employee.** ~~Means~~ A change in the classification assigned to the employee to properly reflect the duties and responsibilities assigned to that employee by an appointing authority. ~~(3-16-04)~~(10-18-06)T

**5967. Recruitment.** The process of seeking applicants for employment. (3-16-04)

**608. Reduction in Pay.** A reduction of an employee's salary from one (1) pay rate to a lower rate within the pay grade to which the employee's classification is allocated. (3-16-04)

**649. Register.** A list of names of persons or the name of one (1) person who has been determined to be eligible for employment in a classification on the basis of examination and merit factors as established by the administrator. An adequate register lists at least five (5) names of eligible candidates currently available for consideration for each vacancy in the classification for which the register was established. (3-16-04)

**6270. Reinstatement.** The reappointment of a former or current classified employee pursuant to Rule 124. (3-16-04)

**6371. Resignation.** The voluntary quitting or abandonment of state employment, excluding retirement. (Ref. Rule 244) (3-16-04)

**6472. Respondent.** The party whose interests are adverse to those of the appellant. (7-1-93)

**73. Sample Merit Increase Matrix.** (10-18-06)T

Sample Merit Increase Matrix				
Employees Total Salaries	Does Not Achieve Performance Standards	Achieves Performance Standards	Solid/Sustained Performance	Exemplary Performance
Performance Percentage Guideline	3%	17%	60%	20%
Compa Ratio	Percentage Increase			
120% to 125%	0%	0.50%	1.50%	2.50%
115% to 119%	0%	1.00%	2.00%	3.00%

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

Sample Merit Increase Matrix				
Employees Total Salaries	Does Not Achieve Performance Standards	Achieves Performance Standards	Solid/Sustained Performance	Exemplary Performance
Performance Percentage Guideline	3%	17%	60%	20%
Compa Ratio	Percentage Increase			
110% to 115%	0%	1.50%	2.50%	3.50%
105% to 109%	0%	2.00%	3.00%	4.00%
100% to 104%	0%	2.50%	3.50%	4.50%
95% to 99%	0%	3.00%	4.00%	5.00%
90% to 94%	0%	3.50%	4.50%	5.50%
85% to 89%	0%	4.00%	5.00%	6.00%
80% to 84%	0%	4.50%	5.50%	6.50%
75% to 79%	0%	5.00%	6.00%	7.00%

**~~65~~74. Status.** The character of an employee's appointment. (7-1-77)

**~~66~~75. Suspension.** An enforced period of absence, with or without pay, for disciplinary purposes, for felony charges, or pending investigation of charges made against an employee pursuant to Rule 190. (7-1-87)

**~~67~~6. Termination.** The separation of an entrance or voluntary probationary employee from classified service for unsatisfactory service during the probationary period without cause assigned by the appointing authority pursuant to Rule 152. (3-16-04)

**~~68~~7. Traded Time.** Those hours an employee agrees to substitute for another employee during scheduled hours of work, where both work in the same capacity, the agreement to substitute is solely at the employees' option, and the agreement is approved by the agency by whatever manner is customary. (7-1-87)

**~~69~~8. Transfer.** A change of work location of an employee in which the employee changes from one (1) position to another in the same classification or to another classification in the same pay grade. (3-16-04)

**~~70~~9. Underfill.** The filling of a classification of position with an employee in a classification of lower pay grade to accommodate a training period as approved by the administrator. (3-16-04)

**80. USERRA.** Uniformed Services Employment and Reemployment Rights Act, 38

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

United States Code, Sections 4301-4333.

(10-18-06)T

~~781.~~ **Veteran.** Rule 020 defines veteran for the purpose of selection, hiring, and retention preference. (3-16-04)

~~782.~~ **Workweek.** A period of seven (7) consecutive days beginning 12:01 a.m. Sunday. (Ref. Rule 073) (12-10-90)

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **020. VETERANS PREFERENCE.**

Preference must be given to qualified veterans ~~who are residents of Idaho in all employment actions including hiring, transfer, promotion~~ initial appointment, and retention except for ~~confidential secretarial~~ key employee positions. (3-30-01)(10-18-06)T

**01. Veteran Defined** (for preference purposes). Any person who has: ~~served in the active service of the armed forces of the United States during any period of war recognized by the United States Department of Veterans Affairs for the purpose of awarding federal veterans benefits and who has been discharged from service under honorable conditions. (Ref. Sections 65-509 and 65-510, Idaho Code)~~ (3-30-01)(10-18-06)T

**a.** Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955; (10-18-06)T

**b.** Served on active duty as defined in 38 U.S.C. Section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976; (10-18-06)T

**c.** Served on active duty as defined in 38 U.S.C. Section 101(21) in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; (10-18-06)T

**d.** Served on active duty as defined by Section 101(21) of Title 38 at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom. (Ref. Section 65-502(14), Idaho Code and Title 5, Section 2108 U.S.C.); (10-18-06)T

**e.** Served as may be further defined in 38 U.S.C. Section 101(11). (10-18-06)T

**02. ~~War Veteran (War-Era) and~~ Disabled Veteran Defined** (for preference points on competitive exam). ~~War veterans and~~ Disabled veterans ~~who are residents of the state of Idaho~~ or purple heart recipients, and their widows or widowers or spouses, when qualified under state law shall have additional points added to a passing score and placed on the register in accordance with the provisions set forth in Rule 102. (Ref. Rule 093.03, and Sections 65-502(2),

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

~~506, 507~~ 503, 504(3), and 67-5309(f), Idaho Code)

~~(3-16-04)~~(10-18-06)T

~~**03. Promotion/Transfer Consideration.** Qualified veterans shall be given additional consideration in promotion and transfer decisions. When candidates are considered to be equal based on valid job related factors, veterans shall be preferred. (Ref. Sections 65-502, 65-504, 65-509, and 67-5309, Idaho Code)~~ ~~(3-16-04)~~

**043. Retention.** ~~War~~ Veterans ~~(War-Era)~~ and Disabled Veterans (as defined in Chapter 5, Title 65, Idaho Code) shall receive the equivalent of three (3) years of satisfactory service in additional points awarded towards the total calculation of retention points in a reduction of work force determination. (Ref. Rule 1401 and Section 65-5031, Idaho Code) ~~(3-16-04)~~(10-18-06)T

## (BREAK IN CONTINUITY OF SUBSECTIONS)

### 070. COMPENSATION OF EMPLOYEES.

~~**01. The Hay System.** The Division of Human Resources will use the Hay method of point factoring to determine the relative value of each classification, and as a basis for internal pay equity. (Ref. Section 67-5309B, Idaho Code)~~ ~~(3-16-04)~~

~~**02. Salary Surveys.** The Division of Human Resources shall conduct or approve salary surveys, to determine salary ranges that represent labor market average rates for Hay point factored positions in classified service.~~ ~~(3-16-04)~~

**031. Relevant Labor Markets.** Labor markets used for wage comparison shall be based on the normal recruiting market for specific job classifications. Consultation with various appointing authorities will also contribute to labor market determination. (3-16-04)

**a.** When the competition for employees is the local area market, the comparison will be made from a survey representing public and private employers in the state of Idaho. (3-16-04)

**b.** For classifications with a regional recruiting area, the comparator market will be from public and private employers from the neighboring states and Idaho. For those with no private counterparts, the comparator market will be state governments, including, but not limited to, Arizona, Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. (3-16-04)

**c.** Recruitment and retention issues will be used to determine the need for additional special market surveys. (3-16-04)

### **02. Assignment to Pay Grade.**

(10-18-06)T

**a.** As a basis for pay equity the Division of Human Resources will use a combination of market data and point factoring to determine the relative value of each classification. (Ref. Rule 074,01 and Section 67-5309B, Idaho Code) (10-18-06)T

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**b.** Pursuant to Sections 67-5309B and 67-5309C, Idaho Code, the pay grade to which a classification is assigned shall be determined by the number of Hay evaluation points assigned to each classification and relevant market data. The Hay points and market points are each given a weight to create the total points listed on the pay schedule. The total points are used to assign a classification to the appropriate pay grade. (10-18-06)T

**043. Salary Schedule.** The administrator shall adopt the salary ranges for the pay grades ~~in Section 67-5309C, Idaho Code~~, in a public meeting after notice, and a current salary schedule shall be made available to the public and all appointing authorities. Range updates may be based on legislative directives and/or market changes. (3-16-04)(10-18-06)T

**04. Review and Reconsideration Requests.** If an agency or individual believes the pay grade assignment is improper regarding the accuracy of Hay point valuation or market average job matching, a request for review must be submitted to DHR prior to appeal. DHR staff will work to verify or change the assignment as the analysis indicates and respond within thirty (30) days. (10-18-06)T

**05. Compensation Plan.** ~~Significant changes to components of the compensation plan shall be presented in a public meeting after notice.~~ **Disputed Assignment Cannot Be Resolved.** If the disputed assignment cannot be resolved, individuals may appeal the decision to the Idaho Personnel Commission within thirty-five (35) days of the DHR final decision. (3-30-01)(10-18-06)T

## **071. ~~COMPENSATION PLAN REVIEWS~~ MERIT INCREASE MATRIX.**

**01. Review of Compensation Schedule.** ~~The Division of Human Resources in cooperation with the various appointing authorities shall conduct reviews of the compensation plan.~~ **Salary Increases.** Salary increases must be based on a merit increase matrix approved by DHR. Shift and geographic premium pay, bonuses, reinstatements, transfers, promotions and recruitment and retention awards are not subject to a matrix. (3-30-01)(10-18-06)T

**02. Affirmation of Factoring.** ~~In the review of classifications, the factoring of a class may be affirmed if there has been no significant change in the duties of the classification and the factoring appears to be correct.~~ **Temporary Merit Increases.** Temporary merit increases shall be based on performance and distributed using a matrix model unless an exception has been granted pursuant to Subsection 071.03 (7-1-93)(10-18-06)T

**03. Exceptions to Use of a Matrix.** such as equity adjustments, can be made on a case-by-case basis, subject to the approval of the administrator. (10-18-06)T

## **072. OPERATION OF COMPENSATION PLAN.**

**01. Authorized Pay Rate.** No employee in the state classified service shall be paid at a rate less than the minimum nor greater than the maximum rate of the pay grade assigned to the classification, except ~~as provided in Section 67-5309C(b)(i), Idaho Code~~ for employees who have performance evaluations indicating their work does not achieve standards at the time of a paygrade structure revision. Such employees may not be paid outside the pay grade for more than one thousand forty (1040) hours of credited state service. (3-16-04)(10-18-06)T

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**02. Starting Salary.** The starting salary for a new ~~appointee may be anywhere within the paygrade assigned to the employee's classification and~~ hire is at the appointing authority's discretion considering available budget, market, and relation to existing staff salaries. (Ref. Section 67-5309~~(b)~~D, Idaho Code ~~and Rule 070~~) ~~(3-16-04)~~(10-18-06)T

**03. Promotional Salary.** The salary for a promoted employee is at the appointing authority's discretion considering available budget, market, and relation to existing staff salaries. (10-18-06)T

**034. Payline Exceptions.** Temporary assignments to a new pay grade may be made by the administrator pursuant to Section 67-5309~~(c)(b)(i)~~D, Idaho Code. Such assignments shall apply to an entire classification for the purpose of recruitment or retention and shall be reviewed annually to determine the need for continuance. (3-16-04)

**045. Salary After Reappointment From Layoff.** An employee appointed by the agency that laid them off (Rule 101.01 and Rule 146) shall be paid in the current pay grade for the classification to which reappointed or at the same payrate he or she received immediately preceding layoff, whichever is greater but not to exceed the maximum of the current paygrade. (3-16-04)

**056. Salary upon Transfer.** (7-10-88)

**a.** A transfer between departments (Rule 125) in the same classification or one (1) of equal pay grade does not require a change in the employee's salary, but a lower or higher rate may be negotiated between the employee and the appointing authority. (3-16-04)

**b.** If the transfer is to a classification of lower pay grade (demotion), the employee's salary is negotiable between the employee and appointing authority within the lower pay grade. (3-16-04)

**067. Salary upon Reinstatement.** Unless related to reemployment after a lay off, the salary of a reinstated employee (Rule 124) is negotiable between the employee and appointing authority in the current pay grade for the classification in which the employee has reinstatement privileges. (3-16-04)

**078. Salary upon Downward Reassignment.** When a classification is reassigned downward the employee's salary will be protected to the maximum within the new paygrade. (3-16-04)

**089. Salary upon Return from Military Duty.** An employee who returns to state service from active military duty in accordance with the provisions of Sections 65-~~511 or 65-512~~508, Idaho Code ~~and USERRA~~, shall be paid at the comparable rate in the current pay grade for the classification to which he or she was assigned prior to leaving for military service. ~~(3-30-01)~~(10-18-06)T

**073. CALCULATION OF PAY.**

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**01. Standard Calculation of Pay.** For other than police, correctional officers, or fire employees, pay shall be calculated in the following order: (3-30-01)

- a. Holiday pay; (12-10-90)
- b. All hours worked on a holiday as overtime; (12-10-90)
- c. All hours worked over forty (40) in the workweek as overtime, excluding occasional or sporadic work and traded time; (12-10-90)
- d. Vacation, sick and other paid or unpaid leaves; and (12-10-90)

e. All remaining hours worked at the employee's regular rate of pay, with the optional use of earned administrative leave. Shift differential pay shall be calculated according to Rule 075 and paid in addition to any other compensation. (Ref. Sections 67-5302(~~1920~~), 67-53298, Idaho Code; Rules 010.34, 010.41, 010.42, 010.48, 010.50, and 073.03)

~~(3-16-04)~~(10-18-06)T

**02. Calculation of Pay for Police, Correctional Officers, and Fire Employees.** Police, Correctional Officers, and fire employees on a twenty-eight (28) day work schedule shall be compensated as described above, except that overtime shall be calculated based on one hundred sixty (160) hours in a twenty eight (28) day period instead of forty (40) hours in a workweek, and earned administrative leave shall be calculated based on eighty (80) hours in a biweekly pay period instead of on a weekly basis. (3-30-01)

**03. Holiday Pay Calculation.** (7-1-87)

a. ~~All classified employees of like classification, shall be treated equally with reference to hours of employment, holidays, and vacation leave. (Ref. Section 67-5326, Idaho Code)~~ Paid time off for holidays is a benefit, and as such, must be allocated in a substantially similar manner to all employees in the same classification. ~~(3-30-01)~~(10-18-06)T

b. A full-time employee shall receive holiday pay in accordance with the number of hours the employee works on a regular workday. If the employee's schedule is so irregular that a regular workday cannot be determined, the employee shall receive eight (8) hours of holiday pay. An employee must receive some paid leave, wages or salary for the pay period in which the holiday occurs to receive the holiday benefit. (3-16-04)

c. A part-time employee who has a regular work schedule shall be paid for a holiday in the same ratio as eight (8) hours is to a forty (40) hour work week, which for calculation purposes converts to two tenths (.20) x hours normally worked. (3-16-04)

d. If a part-time employee's hourly schedule is so irregular that a normal workweek cannot be determined, the holiday benefit is in the same proportion that the hours the employee works during a week in which a holiday occurs relate to forty (40). (3-16-04)

e. Schedules resulting in holiday time off in excess of eight (8) hours ~~must only~~ may be approved ~~in such a way as to treat all members of the affected job classification equally by the~~

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

appointing authority if included in the agency compensation plan. Appointing authorities may also suspend flex schedules during holiday weeks or may grant administrative leave or otherwise adjust work schedules to ensure equity internal consistency. ~~(3-30-01)(10-18-06)T~~

**04. Reduction of Salary.** The salary of an employee receiving more than the ~~lowest~~ rate minimum of the pay grade for his or her classification may be reduced to a lower rate within the pay grade by the appointing authority for disciplinary reasons enumerated in Rule 190. ~~(3-16-04)(10-18-06)T~~

~~**05. Temporary Merit Increases.** Temporary merit increases shall not be calculated retroactively. (Ref. Section 67-5309C(b)(ii), Idaho Code)~~ ~~(7-10-88)~~

~~**065. Department Salary Administration Policies** (a/k/a Compensation Plans). Each department shall adopt and file with the administrator current salary administration policies for the following actions to insure fairness and equity for all employees within that department: Each department director or appointing authority shall develop a compensation plan. Each agency compensation plan must be designed to consider recruitment and retention and ensure pay equity within the organization.~~ ~~(3-30-01)(10-18-06)T~~

~~**a.** Merit increases and bonuses (Section 67-5309C(b), Idaho Code, and Rule 073.05.);~~ ~~(7-1-94)~~

~~**b2.** Reclassification (Rule 067);~~ Agency compensation plans are developed and reviewed on an annual basis, and resubmitted to DHR for approval. Agencies may request assistance from DHR on plan development, and/or use a model policy provided by DHR. ~~(4-5-85)(10-18-06)T~~

~~**eb.** Demotions (Rule 179);~~ Agency distribution plans may be separate from compensation plans and relate to a specific distribution of ongoing or one-time funds. Each distribution plan requiring a matrix must be approved by DHR. ~~(3-16-04)(10-18-06)T~~

~~**d.** Intradepartmental transfers (Rule 125);~~ ~~(3-16-04)~~

~~**e.** Failure to complete promotional probationary periods (Rule 150.);~~ ~~(3-16-04)~~

~~**f.** Promotions (Rule 169);~~ ~~(3-16-04)~~

~~**g.** On-call time (Rule 010.49).~~ ~~(3-16-04)~~

**076. Salaries for Temporary Appointments.** Except as provided by the following rule, salaries for employees hired under temporary and project-exempt appointments will be governed by Section 59-1603, Idaho Code. (4-5-85)

## **074. ASSIGNMENT OF HAY EVALUATION POINTS.**

~~**01.** Assignment to Pay Grade.~~ Pursuant to Sections 67-5309B and C, Idaho Code, the pay grade to which a classification is assigned shall be determined by the number of Hay evaluation points assigned to each classification. ~~(3-16-04)~~



# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**041. Factoring Process.** Hay evaluation points shall be assigned to a classification through the following methods, which may be used separately or in combination with the others:  
(3-16-04)

**a. Informal Agreement.** The appointing authority presents the new or revised classification and factoring recommendation informally to the administrator of the Division of Human Resources or designee and there is agreement on the points assigned.  
(3-16-04)

**b. Factoring Session.** The administrator shall determine the membership of a factoring committee and schedule a factoring session in which the appointing authority or designee may present both oral and written information concerning the classification to be factored. The factoring committee shall assign Hay evaluation points in accordance with Rule 074 and the administrator shall notify the appointing authority in writing of the decision of the factoring committee. The appointing authority may request an issue conference with the factoring committee and present their perspective on the assigned points. The factoring committee may affirm or modify the assigned points. The administrator will provide a letter to the appointing authority stating the outcome of the issue conference.  
(3-16-04)

**c. Hay Management Consultants.** After consultation with the appointing authority, the administrator may refer the classification to Hay Management Consultants for a factoring analysis.  
(3-16-04)

**02. Guide Charts.** The Hay evaluation points assigned to a classification shall be the composite numerical value of points factored from the Hay guide charts.  
(3-16-04)

**03. Factoring Benchmarks.** The factoring benchmarks correlated by Hay Management Consultants shall be used in conjunction with the Hay Guide Charts to determine the number of Hay points assigned to a classification.  
~~(3-16-04)~~(10-18-06)T

**054. Approval.** After consultation with the administrator of the Division of Financial Management for approval regarding potential fiscal impacts, the administrator of the Division of Human Resources shall have final approval of the Hay evaluation points assigned to each classification. These points are final unless appealed in accordance with Section 67-5316, Idaho Code.  
(3-16-04)

## **075. SHIFT DIFFERENTIAL.**

**01. Eligibility.**  
(12-10-90)

**a.** Shift differential compensation ~~shall~~ may be paid if fifty percent (50%) or more of an employee's assigned hours in a workweek occur between 6 p.m. and 7 a.m. Leave hours taken shall be regarded as having been assigned during the same hours that the employee would normally have worked. Alternative shifts may be approved by DHR based on market practices.  
~~(12-10-90)~~(10-18-06)T

**b.** Weekend work may also be eligible for additional shift differential pay regardless of shift worked.  
(10-18-06)T

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**bc.** Shift differential compensation shall be paid for all hours worked by an employee whose primary responsibility is to work in place of an absent employee and, whose assigned schedule varies from nights, days, and/or swing. (3-16-04)

**02.** ~~Shift Pay Rate. Shift differential compensation shall be paid at the rate of five percent (5%).~~ **Shift Differential Premium Rate.** (7-1-94)(10-18-06)T

**a.** Shift differential may be awarded in amounts up to and including twenty-five percent (25%) of hourly rates, based on local market practice for similar jobs. Local market data will be maintained and available through DHR. (10-18-06)T

**b.** DHR shall be consulted whenever shift pay is determined to be necessary. (10-18-06)T

**c.** When a classification is used only by one agency, that appointing authority, determines the shift differential rate for those employees based on competitive market rates. (10-18-06)T

**d.** When a classification is used by more than one agency, and the employees in those agencies have substantially similar duties and geographic area, these employees shall be treated consistently in all agencies. Agencies may negotiate an acceptable rate or request DHR to facilitate. (10-18-06)T

**03. Hours Paid at Shift Rate.** If an employee qualifies for swing/night shift differential pay during a workweek, the shift rate shall be calculated for all hours reported in that week, including holiday pay, overtime and leave taken. The resulting amount of shift differential pay shall be included in the compensation for that pay period. Weekend day shifts are calculated separately and may be paid at a different rate. (12-10-90)(10-18-06)T

**04. Ineligible Employees.** ~~Employees who are ineligible for cash compensation and compensatory time for overtime work are ineligible for shift differential compensation. (Ref. Section 67-5329(1), Idaho Code)~~ **Eligibility.** (3-30-01)(10-18-06)T

**a.** Executive employees are ineligible for shift differential compensation.(Ref. Section 67-5328, Idaho Code) (10-18-06)T

**b.** When an employee has more than one (1) position, eligibility for shift premium is determined by the position. (10-18-06)T

**05. Multiple Positions.** ~~For an employee who has more than one (1) position, eligibility for shift differential shall be determined by position.~~ (2-6-92)

## **076. ~~ALTERNATIVE WORK SCHEDULES AND LOCATIONS~~ GEOGRAPHIC PAY DIFFERENTIAL.**

~~An appointing authority may allow alternative work schedules and locations including flexible schedules, job-sharing, and telecommuting when determined to be in the best interests of the state and the employee. Internal policies on such options must be published for all employees and filed~~

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

~~with the administrator. If applicable, agency policies must address:~~

~~(3-16-04)~~

**01. Determining Geographic Pay.** Appointing authorities may provide non-performance related premium pay for those work locations where recruitment and retention of qualified staff are difficult due to economic conditions and cost of living. (10-18-06)T

~~a. Conditions of participation;~~ DHR shall be consulted whenever geographic pay is determined to be necessary. ~~(3-16-04)~~(10-18-06)T

~~b. Equipment use and provision;~~ Employees in the same work location, regardless of agency, shall be treated consistently with regard to geographic pay differential. ~~(3-16-04)~~(10-18-06)T

~~c. Workers compensation and liability issues; and~~ Geographic pay premiums are based on cost of living indicators available in surveys utilized by DHR. ~~(3-16-04)~~(10-18-06)T

~~d. Confidentiality;~~ DHR will provide salary survey data and economic indicators to identify areas where the cost of living significantly exceeds that of Boise. DHR will use such surveys to generate a geographic pay calculation formula agreeable to the majority of affected agencies. ~~(3-16-04)~~(10-18-06)T

**e.** Geographic pay is premium pay tied to work location. The geographic pay differential is discontinued when an employee takes an assignment at a work location not deemed eligible for a geographic differential. (10-18-06)T

**f.** Geographic pay must be identified to be included in required annual reports. (10-18-06)T

**g.** Employees that have housing provided by the state normally are not eligible for geographic pay. (10-18-06)T

**h.** Geographic pay shall be prorated for individuals working less than forty (40) hours a week. (10-18-06)T

**i.** Geographic pay calculation shall be reviewed annually by DHR. (10-18-06)T

## **077. BONUSES.**

**01. Performance Bonuses.** Up to a total of ~~one~~ two thousand dollars (\$~~1~~2,000) may be awarded each fiscal year, in recognition of ~~excellent~~ exemplary performance. In extraordinary circumstances, exceptions to the two thousand dollar (\$2,000) limit may be granted if approved in advance by the State Board of Examiners. ~~A memo documenting such~~ Documentation of the exemplary performance ~~should~~ and related bonus award shall be provided to the employee and placed in their agency personnel file. (Ref. Section 59-1603(7) and Section 67-5309C(b)(iii)D(1), Idaho Code) ~~(3-16-04)~~(10-18-06)T

**02. ~~State Resource Savings Bonuses~~ Employee Suggestion Award.** Appointing authorities may award up to a total of ~~one thousand dollars (\$1,000)~~ may also be awarded each

# COMMERCE & HUMAN RESOURCE

---

## DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION Human Resources & Personnel Commission

Docket No. 15-0401-0601  
TEMPORARY RULE

---

~~fiscal year, in recognition~~ twenty-five percent (25%) of the savings realized from an employee's idea to save ~~state resources~~ taxpayer dollars, not to exceed two thousand dollars (\$2,000). ~~Each agency will develop an internal procedure to provide for prompt consideration and distribution of awards.~~ (Ref. Section 67-5309C(b)(iv)D, Idaho Code) ~~(3-16-04)(10-18-06)T~~

~~a. Suggestions, that when implemented result in significant savings, may result in a larger bonus, but such amounts must be approved by the Board of Examiners.~~ Each participating agency should develop an internal procedure that encourages participation, sets guidelines and procedures and provides prompt consideration and distribution of awards. DHR can assist agencies in developing a procedure. ~~(3-16-04)(10-18-06)T~~

~~b. Suggestions aimed at saving money outside the employee's state agency should be submitted to the employee's agency first and then routed to the Division of Human Resources for centralized coordination and tracking. The Division of Human Resources will forward the suggestion to the agency able to address implementation.~~ Suggestions must be intended to increase productivity; conserve state resources; reduce state costs; or improve the morale of state employees. ~~(3-16-04)(10-18-06)T~~

~~c. Eligibility.~~ (10-18-06)T

~~i. All state employees are eligible to submit suggestions.~~ (10-18-06)T

~~ii. Employees are not eligible for awards who have a clear and specific responsibility to offer suggestions for improvement, etc., as part of their normal job duties.~~ (10-18-06)T

~~iii. Elected officials of the state are not eligible for award pay. (Ref. Section 59-1603(8) and Section 67-5309D(2), Idaho Code).~~ (10-18-06)T

~~d. The suggestion must be implemented to be eligible for award.~~ (10-18-06)T

~~i. Suggestions that may be deserving of an award larger than two thousand dollars (\$2,000) and suggestions aimed at saving money outside the employee's state agency should be submitted through the employee's agency first for screening and support, and then routed to the Division of Human Resources for centralized coordination and tracking. Awards greater than two thousand dollars (\$2,000) must be approved in advance by the State Board of Examiners.~~ (10-18-06)T

~~e. Employee suggestion awards may be funded from the expense category (personnel, operating, or capital) from which the savings were realized. (Ref. Section 67-3511(1), Idaho Code)~~ (10-18-06)T

~~078.—079. (RESERVED).~~

### **078. RETENTION AWARDS.**

**01. Appointing Authority. An appointing authority may authorize award pay in order to retain valuable employees.** (10-18-06)T

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

**02. Performance and Market Related.** Retention awards are performance and market related, and specific to the individual employee. (10-18-06)T

**03. Appointing Authorities.** Appointing Authorities may make such awards when an employee has completed at least 6 months of work that achieves performance standards, regardless of probationary status. (10-18-06)T

**04. Clearly Identified.** The awards must be clearly identified to comply with annual reporting requirements. (10-18-06)T

**05. Award Impact.** These awards do not impact performance bonus or employee suggestion award eligibility. (10-18-06)T

## **079. RECRUITMENT INCENTIVE AWARDS.**

**01. Appointing Authority.** An appointing authority may authorize lump sum award pay for the purposes of providing recruitment incentives. (10-18-06)T

**02. Documentation.** Recruitment pay and conditions of payment must be documented.(10-18-06)T

**03. Recruitment Pay May Only Be Granted After Six Months.** Recruitment pay may only be granted after an employee has completed six (6) months of satisfactory service, regardless of full or part time status. (10-18-06)T

**04. Reward Impact.** These awards do not impact performance bonus or employee suggestion award eligibility. (10-18-06)T

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

## **083. ~~(RESERVED)~~ MOVING EXPENSES REIMBURSEMENT.**

The head of any department, office, or institution shall have authority to reimburse moving expense for current or newly hired state employees up to ten percent (10%) of the employee's base salary or fifteen thousand dollars (\$15,000) whichever is less. Reimbursable expenses must be in compliance with the State Moving Policy in effect at the time of the move. (Ref. SCO website, State Board of Examiners.) (10-18-06)T

**01. Exceptions to the Maximum Expense Reimbursement Limits.** Exceptions to the maximum expense reimbursement limits may be approved in advance by the department director. (10-18-06)T

**02. Report Submission to Division of Financial Management.** Agencies shall submit a report to the Division of Financial Management and the Legislative Services Office by October 1 on all moving expense reimbursements granted in the preceding fiscal year. (Ref. Section 67-5337, Idaho Code.) (10-18-06)T

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

## (BREAK IN CONTINUITY OF SUBSECTIONS)

### 086. APPLICATIONS.

**01. Form.** All applications shall be filed in the form prescribed by the administrator.  
(3-16-04)

**02. Filing of Applications.** Applications are currently accepted by internet application system, mail, personal delivery, electronic mail and FAX to the Division of Human Resources. An application will also be considered timely if any Job Service or agency human resources office receives and date stamps it by the closing date, notifies the Division of Human Resources, and ensures that it is delivered to the Division of Human Resources by close of the next business day.  
(3-16-04)

**03. Application by Military Personnel.** An application will be accepted after the closing date of the announcement from a person who was serving in the armed forces, or undergoing service-connected hospitalization ~~of no more than~~ up to one (1) year following discharge, during any period in which the announcement was open. The application must be submitted within one hundred twenty (120) days of the applicant's separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of an examination. ~~The applicant must be a resident of Idaho when application is made.~~ (Ref. Sections 65-502~~3~~ and 67-5309(f), Idaho Code) ~~(3-16-04)~~(10-18-06)T

**04. Application by Disabled Veterans.** A disabled veteran may file an application at any time up until a selection has been made for any classification for which the Division of Human Resources maintains a register as a source for future job openings or for which a register is about to be established, provided he or she has not already been examined twice for the same classification, does not have current eligibility on that register, or is not serving in a ~~classification~~ competitive position in the same ~~or higher~~ pay grade as the classification for which application is made. ~~The applicant must be a resident of Idaho when application is made.~~ (Ref. Sections 65-502~~3~~, ~~65-507~~ and 67-5309(f), Idaho Code) ~~(3-16-04)~~(10-18-06)T

**05. Promotion of Entrance Probationary Employee.** Any classified employee on entrance probation may file an application for a promotional opportunity and be placed on a register but may not be appointed until permanent status has been attained. (Ref. Rules 159.01. and 169.03.)  
(3-16-04)

**06. Disclosure of Information for Hiring Purposes.** By submitting an application, an individual is deemed to authorize disclosure of confidential information to state agencies for purposes of screening, testing, interviewing and hiring. (Ref. Section 9-340C, Idaho Code).  
(12-10-90)

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **093. CONDUCT AND RATING OF EXAMINATIONS INCLUDING VETERANS' PREFERENCE POINTS.**

**01. Designation of Examiners.** The examinations shall be conducted and rated by persons designated by the administrator. (8-1-81)

**02. Scoring of Examinations.** Each examination shall be rated for final scores on the basis of one hundred (100) point maximum. The Division of Human Resources' staff shall use appropriate statistical and professional techniques and procedures in determining passing points and final scores. (3-30-01)

**03. Veterans Preference.** (3-16-04)

**a.** ~~War~~ Veterans and disabled veterans points, when applicable under state law, shall be added to the final score achieved in the examinations, notwithstanding the fact that the augmented final score may exceed one hundred (100) points. ~~Veterans preference points are only applicable when the applicant is a resident of Idaho.~~ Five (5) percentage points shall be added to the earned rating of any veteran as defined in Section 65-502, Idaho Code, and the widow or widower of any veteran as defined in Section 65-502, Idaho Code, as long as he or she remains unmarried. Pursuant to Section 65-504, Idaho Code, ten (10) percentage points shall be added to the earned rating of any disabled veteran as defined in Section 65-502, Idaho Code, the widow or widower of the same as long as he or she remains unmarried, or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) percentage point preference eligibles resulting from the merit system shall be placed on the register in accordance with their augmented rating. (Ref. Sections 65-5064 and 67-5309(f), Idaho Code) ~~(3-16-04)(10-18-06)T~~

**b.** ~~War~~ Veterans and disabled veterans preference points shall not be added to the raw score in order to achieve a passing score. ~~(3-16-04)(10-18-06)T~~

**04. Failing Score.** Failure in any part of the examination may disqualify the applicant in the entire examination and from having his or her name placed on the register. Final scores shall be computed in accordance with weights assigned the individual factors in the total examination. (4-5-85)

**05. Use of Alternate Announcement.** An examination may be rated for another classification under current announcement at the discretion of the administrator. (3-16-04)

**06. Waiver of Examination.** Notwithstanding other provisions in these rules, when ten (10) or fewer applications are received from applicants meeting minimum qualifications for a position announcement and there is no existing register, the announced examination may be waived by the administrator. These applicants shall be eligible for appointment and their placement on the register shall take into account veterans' preference. When using registers developed in this manner, appointing authorities shall provide the opportunity for placement

# COMMERCE & HUMAN RESOURCE

interviews for each applicant on the register. (3-16-04)

**07. Examination Upon Reclassification.** An employee occupying a position which is reclassified (Rule 067.01) may be required at the discretion of the administrator to pass an examination for the classification to which reclassified. (3-16-04)

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **102. PLACEMENT ON REGISTER.**

**01. Score Order.** Eligible candidates shall be placed on the register for a given classification ranked in descending numerical order based on their final score on the examination for such classification. (3-16-04)

**02. Veterans' Preference.** Eligible veterans or surviving spouses entitled to five (5) point preference shall be placed on the open-competitive register in accordance with their final score on the examination augmented by preference points. (Ref. Rule 093.03, and Section 65-5064, Idaho Code) ~~(3-16-04)~~(10-18-06)T

**03. Disabled Veterans' Preference.** Eligible ten percent (10%) or more disabled veterans or purple heart recipients or surviving spouses entitled to ten (10) point preference shall be placed ~~at the top of~~ on the open-competitive register ~~above all other non-preference candidates~~ in order of their final score on the examination augmented by preference points. Veterans who have a current service-connected disability of thirty percent (30%) or more, shall be offered an interview when their final score on the hiring list places them within the top ten (10) qualified candidates. If more than ten (10) thirty percent (30%) or greater disabled veterans place in the top ten (10) qualified scores of a hiring list, at least ten (10) shall be offered an interview. (Ref. Rule 093.03 and Section 65-506, Idaho Code) ~~(3-16-04)~~(10-18-06)T

**04. Veterans' Preference Points for Initial Appointment Only.** The additional points added by reason of veterans' preference shall be used the first time a qualified veteran is hired by any state agency and not for the purpose of promotions. (Ref. Section 65-5064, Idaho Code) ~~(3-16-04)~~(10-18-06)T

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **124. REINSTATEMENTS.**

**01. Eligibility.** As determined by the administrator, a current or former employee shall be eligible for reinstatement to a classification in which he or she held permanent status, or if deleted its successor, or to another classification of equal or lower pay grade under the following conditions (salary treatment is covered by Rule 072.05). (3-16-04)



# COMMERCE & HUMAN RESOURCE

a. Reinstatement is limited to a period equal to the length of the employee's probationary and permanent employment combined. (3-30-01)

b. The current or former employee must have separated from the classification for which reinstatement is desired without prejudice. A former employee must also have separated from state classified service without prejudice. (3-16-04)

c. The current or former employee must meet the current minimum qualifications of the classification to which reinstatement is desired. (3-16-04)

**02. Reinstatement Prohibited.** Reinstatement of a current or former employee is not permissible as long as there is a departmental register (Rule 101.01) for that classification with names of eligibles who have reemployment preference status. (3-16-04)

**03. Examination.** The administrator may require a current or former employee to pass an examination for the classification to which reinstatement is desired. (3-16-04)

**04. Probationary Period.** An appointing authority may negotiate for a probationary period as a condition of reinstatement except where prohibited. (Ref. Rules 124.05 and 145.01). (3-16-04)

**05. Return from Military Duty.** An employee returning from military leave without pay (Rule 250.05) who is relieved or discharged from military duty under conditions other than dishonorable shall be, upon application, reinstated in his or her former position, or one of comparable classification, without loss of credited state service, status, or pay as prescribed by Sections 46-216, 65-508, 65-511 and 65-512, Idaho Code, and USERRA or the Military Selective Service Act, Title 38, Chapter 43, U.S. Code. Application for reemployment must be made within ninety (90) calendar days after separation from military duty or from hospitalization continuing after discharge up to one (1) year in accordance with the provisions of USERRA. Salary treatment is covered by Rule 072.08. ~~(3-30-01)~~(10-18-06)T

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **141. CALCULATION OF RETENTION POINTS.**

There shall be an evaluation of all employees in the classification in the department or organizational unit affected by the reduction in force based on a retention point system. Retention points are derived from experience as described in performance evaluations and classified credited state service. Qualified ~~war~~ veterans are given preference through additional retention points. (Ref. Rule 141.05), The appointing authority will determine a process for the impartial assessment of evaluations to assign points as follows:

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

Overall Performance Level Documented As:	Retention Points Earned Per Hour of Credited State Service
<del>Superior</del> <u>Exemplary</u> or equivalent	.100
<del>Very Good</del> <u>Solid Sustained</u> or equivalent	.075
<del>Satisfactory</del> <u>Achieves Performance Standards</u> or equivalent	.050
<del>Needs Improvement</del> <u>Does Not Achieve Performance Standards</u> or equivalent	.0
<del>Unsatisfactory</del>	-.0

~~(3-16-04)~~(10-18-06)T

**01. No Performance Evaluation on File for a Twelve-Month Period.** All credited state service for which there is no performance evaluation shall receive seventy-five thousandths (.075) points per hour. A supervisor's failure to document performance in a timely manner cannot be used to disadvantage an employee during retention point calculation. (3-16-04)

**a.** Grace period. Supervisors have ninety (90) days after each two thousand eighty (2,080) hours an employee works to complete the performance evaluation documentation. During that ninety (90) day time frame, the evaluation may be written to cover the two thousand eighty (2,080) hours or extended to also cover the time frame up to the date of the evaluation. (3-16-04)

**b.** Changes in prior periods not allowed. Once an evaluation has been signed by the supervisor, employee, manager, and other applicable reviewers, the document may not be changed, unless the change is a result of a problem solving dispute resolution. (3-16-04)

**02. Calculation of Retention Points Since Last Evaluation.** The most recent performance evaluation should be used to pro-rate retention points when calculating credited state service since that evaluation, unless that evaluation occurred more than two thousand eighty (2,080) hours from the date of calculation. In such cases, points shall be calculated in conformance with Rule 141.01. (3-16-04)

**03. Qualified ~~War~~ Veterans (~~War-Era~~) Preference.** ~~War~~ Veterans (~~War-Era~~) as defined in Chapter 5, Title 65, Idaho Code, shall receive preference by the addition of retention points equivalent to three (3) years of ~~satisfactory~~ service at a level that achieves performance standards. ~~(3-16-04)~~(10-18-06)T

**04. Calculation Date Cutoff.** No points shall be calculated for the sixty (60) days prior to the effective date of the layoff. (3-16-04)

**05. Audit of Retention Points.** Each employee shall be entitled to an audit of retention points by an independent auditor designated by the administrator in cases of dispute between the appointing authority and the employee. The request for audit must be filed with the

# COMMERCE & HUMAN RESOURCE

---

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

---

appointing authority within five (5) calendar days of the employee's receipt of layoff notification. The decision of the independent auditor shall be binding on both parties unless an appeal is filed within thirty-five (35) calendar days from the date of the auditor's notification to the affected parties. (7-1-87)

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **150. PROBATIONARY PERIODS.**

**01. Probationary Period Required.** Except as provided in Rule 040, every appointment and promotion to a classified position shall be probationary, or in the absence of adequate registers, provisional. (7-1-87)

**02. Types of Probationary Periods.** The probationary period serves as a working test period to provide the department an opportunity to evaluate a probationary employee's work performance and suitability for the position. There are three (3) types of probationary periods: (3-30-01)

**a.** Entrance probation is the probationary service required of an employee at the time of his or her original appointment or any subsequent appointment to state classified service excluding reinstatement and transfer, the duration of which shall be one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who shall serve two thousand eighty (2,080) hours. (3-30-01)

**b.** Promotional probation is the probationary service required when an employee is promoted, the duration of which shall be one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who shall serve two thousand eighty (2,080) hours. (3-30-01)

**c.** Voluntary probation is the probationary period negotiated between employees seeking inter-agency transfer, voluntary demotion, and/or reinstatement and the hiring authority. The probationary period is negotiable but may not exceed one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who may serve up to two thousand eighty (2,080) hours. Voluntary probation agreements must be approved by the administrator and kept on file with the Division for the duration of the probationary period. (3-16-04)

**03. Extension of Probationary Period.** Upon petition by an appointing authority that demonstrates good cause, the administrator may extend the probationary period of an employee for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. Petitions must be received by the administrator before an employee has worked one thousand forty (1,040) hours or two thousand eighty (2,080) hours for peace officers. (3-16-04)

**04. Interruption of Probationary Period.** The probationary period in any classification must be completed within a single department uninterrupted by resignation,

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

termination (Ref. Rule 152.02) or dismissal (Ref. Rule 190). An employee who separated during the probationary period must begin a new probationary period upon reappointment or promotion. (3-16-04)

**05. Acting and Temporary Service Credit.** At the request of the hiring agency, the administrator will allow temporary and acting appointment service time in a given classification to be used toward fulfilling the entrance probationary requirements in that classification as established in Section 67-5309(j), Idaho Code. The temporary or acting appointment duties must be substantially the same as the regular permanent appointment. (Ref. Section 67-5309(x), Idaho Code and Rules 150.01(a), Rule 129, and Rule 122). (10-18-06)T

## **151. SATISFACTORY SERVICE.**

When a probationary employee has satisfactorily served the probationary period, the appointing authority shall no later than thirty (30) calendar days after the expiration of the probationary period provide the employee and the Division of Human Resources a performance evaluation indicating satisfactory performance and shall certify the employee to permanent status. ~~Such~~ Certification to permanent status shall be effective one thousand forty (1,040) hours of credited state service after appointment, except that it shall be effective two thousand eighty (2080) hours of credited state service after appointment for peace officer classifications unless either period has been extended pursuant to Rule 150.03. (Ref. Section 67-5309(j), Idaho Code, and Rule 210.04) ~~(3-30-01)~~(10-18-06)T

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

## **190. DISCIPLINARY ACTIONS.**

**01. Cause for Disciplinary Actions or Separation from State Service.** Dismissal, suspension, demotion, or reduction in pay, may occur for any of the following causes during the employee's employment: (3-16-04)

**a.** Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, or rules of the department or the Division of Human Resources and Idaho Personnel Commission. (3-16-04)

**b.** Inefficiency, incompetency, or negligence in performing duties or job performance that fails to meet established performance standards. ~~(4-5-85)~~(10-18-06)T

**c.** Physical or mental incapability for performing assigned duties, if a reasonable accommodation cannot be made for the disabling condition. (Ref. Rule 010.56) (3-16-04)

**d.** Refusal to accept a reasonable and proper assignment from an authorized supervisor. (4-5-85)

**e.** Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the department. (4-5-85)

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

- f. Intoxication on duty. (4-5-85)
- g. Careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds. (4-5-85)
- h. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage. (4-5-85)
- i. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude. (4-5-85)
- j. Acceptance of gifts in exchange for influence or favors given in ~~an~~ the employee's official capacity. ~~(4-5-85)~~(10-18-06)T
- k. Habitual pattern of failure to report for duty at the assigned time and place. (4-5-85)
- l. Habitual improper use of sick leave. (4-5-85)
- m. Unauthorized disclosure of confidential information from official records. (4-5-85)
- n. Absence without leave. (4-5-85)
- o. Misstatement or deception in application for employment. (4-5-85)
- p. Failure to obtain or maintain a current license or certificate lawfully required as a condition in performance of duties. (4-5-85)
- q. Prohibited participation in political activities. (Ref. Section 67-5311, Idaho Code) (4-5-85)

**02. Suspension for Investigation.** An appointing authority may suspend with pay an employee for investigation of disciplinary causes enumerated above. Each suspension for investigation shall be superseded by reinstatement to duty, dismissal or disciplinary suspension within thirty (30) calendar days of the suspension for investigation or within an extension of an additional thirty (30) calendar days approved by the administrator. Further extensions may be granted with the approval of the Administrator. (3-30-01)

**03. Disciplinary Suspension.** An appointing authority may suspend without pay an employee for discipline for causes enumerated above. Disciplinary suspension of an employee with permanent status shall be subject to appeal by the employee to the Commission. (3-16-04)

**04. Suspension on Felony Charges.** An appointing authority may suspend without pay an employee upon the issuance of a complaint, an information or indictment for felony charges. Such suspensions may remain in effect during the time such charges are pending. Full reinstatement of all benefits and salary that the employee would have otherwise been entitled

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

shall be provided by the appointing authority to the employee upon a subsequent finding that charges or information were without grounds or the employee was not found guilty. For the purpose of this rule, a judgment withheld under Rule 33(d) of the Idaho Rules of Criminal Procedure is a conviction. (7-1-87)

**05. Notice to Administrator.** Whenever an appointing authority considers it necessary to take disciplinary action against an employee, he or she shall notify the employee and the administrator concurrently in writing; and shall set forth the specific rule(s) violated and the reasons for the action. Suspensions with pay for investigation (Ref. Rule 190.02) may be made without prior notice to the employee; in this case, the appointing authority shall notify the administrator as soon as practical. (7-1-87)

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **210. PERFORMANCE EVALUATIONS.**

**01. Performance Evaluations.** Each department shall adopt and maintain a system of employee performance evaluations provided it meets the basic objectives of the state's performance evaluation system as approved by the administrator. (3-30-01)

**02. Approval of Form.** The Division of Human Resources' staff shall make available a standard format for this purpose. An appointing authority may utilize another form provided it meets the basic performance criteria and ratings and is approved by the administrator. (3-16-04)

**03. Purpose.** The purpose of performance evaluation is to provide an objective evaluation by the immediate supervisor of an employee's performance in comparison with established expectations for the position; and to identify an employee's strengths and weaknesses and where improvement is necessary. All performance evaluations shall be discussed with affected employee who shall be allowed opportunity to submit written comments regarding the evaluation contents. (3-16-04)

**04. Use of Evaluations.** Performance evaluations should be used in connection with promotions, transfers, demotions, retentions, separations, and reassignments (Ref. Section 67-5309(h), Idaho Code); and used as the affirmative certification for merit increases and bonuses (Ref. Section 67-5309C(b)B(d), Idaho Code); and for certifying a probationary employee to permanent status (Ref. Rule 151). Other uses of performance evaluations are optional with the appointing authority. ~~(3-30-01)~~(10-18-06)T

**05. Evaluation Schedule.** All classified employees shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion and after each two thousand eighty (2,080) hours of credited state service thereafter. (Ref. Section 67-5309C(b)(i)(h)(j), Idaho Code.) Part time employees shall be evaluated on an annual basis. ~~(3-30-01)~~(10-18-06)T

**06. Retention of Evaluation.** A copy of the performance evaluation shall be retained

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

in departmental records, and a copy shall be furnished to the employee. The performance rating shall be transmitted to the administrator. Agency records and supporting documentation are subject to review by the Division of Human Resources. All performance evaluation documents shall be copied and forwarded with the employee when an interagency promotion, demotion or transfer occurs. (3-16-04)

## **07. Supervisors' Requirements. (10-18-06)T**

**a.** Supervisors are required to manage performance on a consistent basis including completion of performance evaluations on all employees under their direct supervision. (Ref. Rule 141.01.a.) ~~(3-16-04)~~(10-18-06)T

**b.** The Division of Human Resources shall provide standards and resources as available to agencies to ensure all supervisors are properly trained on performance evaluations. (10-18-06)T

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

## **230. VACATION LEAVE.**

**01. Eligibility.** All classified employees regardless of status or whether full-time or part-time shall earn vacation leave and be eligible to take and be paid for unused vacation leave in accordance with Sections 67-5334; and 67-5335; ~~and 67-5337~~, Idaho Code. ~~(7-1-87)~~(10-18-06)T

**02. Rate of Accrual.** All credited state service (ref. Sections 67-5332 and 59-1604, Idaho Code, for definitions) shall be counted in determining leave accrual rate. (4-5-85)

**03. Mutual Agreement.** Vacation leave requested by the employee may be used only when approved by the department. The employee and the department shall mutually agree upon such time or times when vacation leave will least interfere with the efficient operation of the department taking into consideration the vacation preference of the employee. (7-1-87)

**04. Interdepartmental Transfer.** An employee who is transferred from one (1) state department to another department shall be credited with accrued vacation leave by the receiving department at the time of transfer. (3-30-01)

## **231. -- 239. (RESERVED).**

## **240. SICK LEAVE.**

**01. Eligibility.** Sick leave shall be earned in accordance with Section 67-5333, Idaho Code. Sick leave shall only be taken in pay periods subsequent to being earned. (3-30-01)

**02. Interdepartmental Transfer.** An employee who is transferred from one (1) state department to another shall be credited by the receiving department with the amount of sick leave

# COMMERCE & HUMAN RESOURCE

accrued at the time of transfer.

(3-30-01)

**03. Reasons for Use.** Sick leave shall only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family. For purposes of this rule, family means a spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage.

(3-16-04)

**04. Medical, Dental, or Optical Appointments Leave (MDA).** Employees are allowed up to two (2) hours for each occasional appointment without charge to sick leave for personal or family-member medical, dental or optical examination or treatment. Occasional appointments are those which are traditionally considered to be preventative, wellness related, or diagnostic. Ongoing treatment for physical or mental illness is not covered by MDA. Use of this benefit may be limited by the appointing authority on a case by case basis where frequency of use is impeding organizational effectiveness or misuse is suspected. If more than two (2) hours are needed for appointments additional time may be charged to sick leave. (Ref. Rule 250.13)

(3-16-04)

**05. Serious Medical Conditions.** Sick leave may be used in conjunction with Family and Medical Leave. (Ref. Rule 242)

(3-30-01)

**06. Notification.** It is the responsibility of the employee to notify his or her supervisor as soon as possible in the event of sickness or injury which prevents the employee from reporting for duty.

(4-5-85)

**07. Donated Leave.** Vacation leave may be transferred to another employee for the purposes of sick leave in accordance with Section 67-5335(7)4, Idaho Code. Such transfers are to be made from employee to employee. Vacation leave is retained by the donating party until it is converted to sick leave in the receiving employee's account.

~~(3-16-04)~~(10-18-06)T

**08. Sick Leave Abuse.** A predictable and reliable level of attendance is an essential function of almost all positions. Consistent with the provisions of the Americans with Disabilities Act and the Family Medical Leave Act, a supervisor may investigate suspected sick leave abuse including a pattern of unscheduled absences which have a negative impact on the requirements of the job and take appropriate action. When an employee is absent due to illness or injury in excess of three (3) days, a doctor's certificate of justifiable cause for the absence may be required of the employee at the discretion of the immediate supervisor. A doctor's certification of illness or injury may be required of an employee for periods of less than three (3) consecutive working days whenever the immediate supervisor or manager believes special investigation of the absence should be made. (Ref. Rule 190 and Section 67-5333, Idaho Code)

(3-16-04)

## (BREAK IN CONTINUITY OF SUBSECTIONS)

### 250. SPECIAL LEAVES.



# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

## **01. Leave of Absence Without Pay. (7-1-93)**

**a.** Approval. In addition to workers' compensation, family medical leave, disability, or other statewide leave policies, the appointing authority may grant an employee leave without pay for a specified length of time when such leave would not have an adverse effect upon the department. The request for leave must be in writing and must establish reasonable justification for approval. (3-16-04)

**b.** Reemployment. The appointing authority approving the leave of absence assumes full responsibility for returning the employee to the same position or to another position in a classification allocated to the same pay grade for which the employee meets minimum qualifications. (7-1-87)

**c.** Exhaustion of Accrued Leave. Unless prohibited by workers compensation, family medical leave, disability, or other statewide leave policies, the appointing authority has discretion on whether the employee is required to exhaust accrued vacation leave, earned administrative leave or compensatory time off for overtime before commencing leave without pay. (Ref. Rule 240) (3-16-04)

**d.** Resignation. If vacation leave, earned administrative leave and compensatory time off for overtime are not exhausted and the employee resigns from state service while on leave, he or she shall be paid for such accruals in accordance with Sections 67-533~~74~~ and 67-532~~9(3)8~~, Idaho Code. ~~(7-1-87)~~(10-18-06)T

## **02. Leave of Absence to Assume a Nonclassified Position. (7-1-93)**

**a.** Approval. An appointing authority may approve a leave of absence from classified service to a classified employee to assume a nonclassified position. Such leave of absence shall not extend beyond the time the employee would be eligible for reinstatement to classified service or ninety (90) days past the service of the appointing authority, whichever comes first. (Ref. Rule 124.01.a.) (3-16-04)

**b.** Credited State Service. An employee on leave of absence to assume a nonclassified position continues to accrue credited state service. (3-16-04)

**c.** Compensatory time will not accrue but can continue to be used if assuming an "executive" position. (10-18-06)T

**03. Leave Defaults.** When an employee does not have accrued sick leave to cover an entire absence the following leave types shall be used to the extent necessary to avoid leave without pay: accrued compensatory time; earned administrative leave; vacation. If abuse of sick leave is suspected see Rule 240.08. (3-16-04)

**04. Military Leave With Pay.** Employees who are members of the national guard or reservists in the armed forces of the United States ~~who are directed by proper military authority to participate in ordered and authorized field training under the National Defense Act shall receive military leave with pay for a maximum fifteen (15) working days in any one (1) calendar year~~

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

engaged in military duty ordered or authorized under the provisions of law, shall be entitled each calendar year to fifteen (15) days of military leave of absence from their respective duties without loss of pay, credited state service or evaluation of performance. Such leave is ~~exclusive of~~ separate from vacation, ~~and~~ sick leave, ~~and~~ holiday, or compensatory time off for overtime. (Ref. Section 46-216, Idaho Code). ~~(4-5-85)(10-18-06)T~~

## **05. Military Leave Without Pay.**

~~(10-18-06)T~~

**a.** An employee whose employment is reasonably expected to continue indefinitely, and who leaves his or her position either voluntarily or involuntarily ~~in order~~ to perform active military duty, has reemployment rights as defined in Rule 124.05. The employee ~~shall either be separated from state service or placed in "inactive" status, at the option of the appointing authority~~ may elect a leave of absence or separation. If on leave of absence, the employee may choose to use accrued vacation or compensatory time. ~~(3-16-04)(10-18-06)T~~

**b.** Health Insurance for National Guard or Reservist Deployment. All employees who are members of the national guard or reservists in the armed forces of the United States shall be entitled to their existing medical benefits for the first thirty (30) days of a deployment ordered or authorized under the provisions of the National Defense Act. Use of vacation, EAL or compensatory time leave shall not be required for an employee to receive this health insurance benefit. However, an employee may choose to use such existing accrued leave to pay for the employee's share of the health insurance premium (Ref. Section 46-225, Idaho Code, Rules 230.0e, 250.07 and 073 and USERRA). ~~(10-18-06)T~~

**06. Administrative Leave with Pay.** At the discretion of the appointing authority, an employee may be granted administrative leave with pay when such leave is in the best interest of the department. ~~(4-5-85)~~

## **07. Earned Administrative Leave.**

~~(7-1-93)~~

**a.** Authority for Use. In any week that an employee would be compensated an amount greater than forty (40) hours times the employee's regular rate of pay, an appointing authority may allow the employee to accumulate earned administrative leave to the extent necessary to reduce the cash compensation to forty (40) hours. An appointing authority may allow a part-time employee to accumulate earned administrative leave for the hours worked between the regularly-scheduled hours and forty (40) hours. Earned administrative leave shall be calculated based on one hundred sixty (160) hours for police, correctional officers, and fire employees pursuant to Rule 073.02. ~~(3-30-01)~~

**b.** Ineligible Employees. Employees who are ineligible for cash compensation and compensatory time for overtime work are ineligible for earned administrative leave. (Ref. Section 67-5329(1), Idaho Code). ~~(12-10-90)~~

**c.** Payment and Credited State Service. Earned administrative leave (EAL) balances shall be paid upon transfer or separation. Hours of EAL shall accrue credited state service when worked. ~~(3-30-01)~~

## **08. Court and Jury Services and Problem-Solving and Due Process Leave.**

# COMMERCE & HUMAN RESOURCE

(7-1-98)

**a.** Connected with Official State Duty. When an employee is subpoenaed or required to appear as a witness in any judicial or administrative proceeding in any capacity connected with official state duty, he or she shall not be considered absent from duty. The employee shall not be entitled to receive compensation from the court. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee shall be reimbursed by his or her respective department in accordance with department travel regulations. (3-16-04)

**b.** Private Proceedings. When an employee is required to appear as a witness or a party in any proceeding not connected with official state duty, the employee shall be permitted to attend. The employee may use accrued leave or leave without pay. (3-30-01)

**c.** Jury Service. When an employee is summoned by proper judicial authority to serve on a jury, he or she shall be granted a leave of absence with pay for the time which otherwise the employee would have worked. The employee shall be entitled to keep fees and mileage reimbursement paid by the court in addition to salary. Expenses in connection with this duty are not subject to reimbursement by the state. (7-1-87)

**d.** Problem-solving and due process procedures. Any employee who has been requested to serve as a mediator as provided by a departmental problem-solving or due process procedure or to appear as a witness or representative during such a proceeding shall be granted leave with pay, without charge to vacation leave or compensatory time off for overtime, to perform those duties. (7-1-98)

**e.** Notification. An employee summoned for court and jury service or requested to serve as a grievance panelist, witness, or representative shall notify his or her supervisor as soon as possible to obtain authorization for leave of absence. (7-1-87)

**09. Election Leave.** When requested by an employee, an appointing authority shall grant leave with pay, without charge to vacation leave or compensatory time off for overtime, for voting in primary, general, municipal, school, or special elections in those instances where the employee's work would interfere with his or her being able to vote. (4-5-85)

**10. Religious Leave.** Appointing authorities shall make reasonable accommodations to an employee's need for leave for religious observances. Such leave shall be charged to the employee's accrued vacation leave or compensatory time off for overtime. (4-5-85)

**11. Leave During Facility Closure or Inaccessibility.** (7-1-93)

**a.** Authorization. When a state facility is closed or declared inaccessible because of severe weather, civil disturbances, loss of utilities or other disruptions, affected employees shall be authorized administrative leave with pay (Ref. Rule 250.06) to cover their scheduled hours of work during the closure or inaccessibility. (4-5-85)

**b.** Compensation for extra hours worked. An employee who works at a state facility during declared closure or inaccessibility shall be, in addition to regular salary, granted time off equal to the number of hours worked. If overtime is involved, it shall be compensated as provided

# COMMERCE & HUMAN RESOURCE

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

by Section 67-53298, Idaho Code.

~~(4-5-85)~~(10-18-06)T

c. Early release. When the appointing authority or designated representative authorizes early release of employees pursuant to Rule 250.11.a., the resulting time off shall be charged to administrative leave with pay. (Ref. Rule 250.06) (3-16-04)

**12. Red Cross Disaster Services Leave.** Employees who have been certified by the American Red Cross as disaster service volunteers shall be granted up to one hundred twenty (120) hours of paid leave in any twelve (12) month period to participate in relief services pursuant to Section 67-5338, Idaho Code. (3-30-01)

**13. Employee Assistance Program Leave.** Up to two (2) hours per visit shall be granted for utilization of the Employee Assistance Program (EAP) during normal working hours. This leave is limited to the number of free program visits provided in the state's Behavioral Health Program. EAP leave shall be coded as MDA. (Ref. Rule 240.04). (3-30-01)

**14. Bone Marrow and Organ Donor Leave with Pay.** (10-18-06)T

a. Approval. Upon request, a full-time employee shall be granted five (5) work days leave with pay to serve as a bone marrow donor or thirty (30) work days leave with pay to serve as an organ donor. The employee must provide the appointing authority with written verification that the employee is the person serving as the donor. Paid leave as provided in this rule is limited to one-time bone marrow and one-time organ donor leave per employee. (Ref. Section 67-5343, Idaho Code.) (10-18-06)T

b. Use. An employee who is granted such leave of absence shall receive compensation without interruption during the leave period. For purposes of determining credited state service, pay advancement, performance awards, and/or any benefit affected by a leave of absence, the service of the employee shall be considered uninterrupted by the paid leave of absence. (Ref. Section 67-5343, Idaho Code.) (10-18-06)T

**251. -- 259. (RESERVED).**

**260. OVERTIME.**

**01. Employing Agencies.** The state is considered as one (1) employer for determining the number of hours an employee works. If an employee works for more than one (1) department, the department(s) employing the employee when the overtime occurs shall be liable for compensatory time off or cash compensation as provided by law. (7-1-87)

**02. Compensation for Overtime.** Overtime accrual and compensation for classified employees is covered by Sections 67-53298 ~~and 67-5330~~, Idaho Code, and Section 59-1607 for nonclassified employees. Overtime is defined in Section 67-5302(~~4920~~), Idaho Code.

~~(7-1-87)~~(10-18-06)T

**03. Forfeiture of Compensatory Time.** Employees who become executives within their current agency as set forth by Idaho Code Section 67-5302(12) shall have six (6) months from the date of appointment to use any compensatory time balance. After six (6) months, any

# COMMERCE & HUMAN RESOURCE

---

**DIVISION OF HUMAN RESOURCES & PERSONNEL COMMISSION**  
**Human Resources & Personnel Commission**

**Docket No. 15-0401-0601**  
**TEMPORARY RULE**

remaining compensatory time will be forfeited. Separation or transfer will continue to result in forfeiture of compensatory time. (10-18-06)T

**034. Modification of Workweek or Schedule.** No department shall alter a previously established work week for the purpose of avoiding overtime compensation. A department may modify the employee's regular schedule of work to avoid or minimize overtime. (7-1-87)

## **(BREAK IN CONTINUITY OF SUBSECTIONS)**

### **272. POLICY MAKING AUTHORITY.**

To address the need for all classified employees to be treated ~~equally~~ fairly, and in situations where the State may be considered as one (1) employer, the Division of Human Resources Administrator may issue guidance to provide consistent interpretation of federal law, state law, executive order or rule. ~~(3-16-04)~~(10-18-06)T

# COMMERCE & HUMAN RESOURCE

## IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

### 59.01.03 - CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0103-0701

#### NOTICE OF RULEMAKING - TEMPORARY RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rules is February 1, 2007.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for temporary rulemaking:

Section 59-1322(1), Idaho Code, requires the Retirement Board (Board) to establish contribution rates to adequately fund the retirement system, subject to certain requirements. In 2003, the Board adopted proposed rules that provided for a series of three annual contribution rate increases beginning July 1, 2004, through July 1, 2006. The first of those increases went into effect, but favorable market conditions significantly improved the funding status of the plan and in 2005 the board postponed the two subsequent increases for one year, until July 1, 2006, and July 1, 2007, respectively. In 2006 the Board again postponed the increases until July 1, 2007, and July 1, 2008, respectively. The Board has now determined that the two additional increases scheduled for July 1, 2007 and July 1, 2008, can each be postponed another year, to July 1, 2008 and July 1, 2009, respectively. The Board will continue to monitor funding and market conditions and will take addition action if appropriate. New rates apply to the first pay period beginning on or after the applicable date.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rules is appropriate for the following reasons:

This rule change will confer a benefit on PERSI employees and employers.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary rules, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

DATED this 31st day of October, 2006.

Alan H. Winkle  
Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8<sup>th</sup>, Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078

# COMMERCE & HUMAN RESOURCE

## **PUBLIC EMPLOYEE RETIREMENT SYSTEM Contribution Rulse for PERSI**

**Docket No. 59-0103-0701  
TEMPORARY RULE**

Phone: 208-334-3365  
FAX: 208-334-3804

### **THE FOLLOWING IS THE TEXT OF DOCKET NO. 59-0103-0701**

#### **026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).**

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 2007~~8~~. Beginning July 1, 2007~~8~~, the rate shall be eleven percent (11.00%) of payroll through June 30, 2008~~9~~. Beginning July 1, 2008~~9~~, the rate shall be eleven point sixty-one percent (11.61%) of payroll until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References:

(Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) (Amended 6-30-05) (Amended 2-1-06)  
(~~2-1-06~~)T(2-1-07)T

#### **027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).**

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

**01. Option I and II Firefighters.** For option I and II firefighters hired before October 1, 1980, as follows:

Option I and II Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2007 <del>8</del> . Beginning July 1, 2007 <del>8</del> , the rate shall be eleven point thirty-four percent (11.34%) of payroll through June 30, 2008 <del>9</del> . Beginning July 1, 2008 <del>9</del> , the rate shall be eleven point ninety-five percent (11.95%) of payroll until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.
TOTAL Contribution:	Thirty-six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty-six point sixty-two percent (36.62%) of payroll through June 30, 2007 <del>8</del> . Beginning July 1, 2007 <del>8</del> , the rate shall be thirty-seven point twenty-three percent (37.23%) of payroll through June 30, 2008 <del>9</del> . Beginning July 1, 2008 <del>9</del> , the rate shall be thirty-seven point eighty-four percent (37.84%) of payroll until next determined by the Board.

(~~2-1-06~~)T(2-1-07)T

# COMMERCE & HUMAN RESOURCE

## **PUBLIC EMPLOYEE RETIREMENT SYSTEM Contribution Rulse for PERSI**

**Docket No. 59-0103-0701  
TEMPORARY RULE**

**02. Class D Firefighters.** For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

Class D Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2007 <del>8</del> . Beginning July 1, 2007 <del>8</del> , the rate shall be eleven point thirty-four percent (11.34%) of payroll through June 30, 2008 <del>9</del> . Beginning July 1, 2008 <del>9</del> , the rate shall be eleven point ninety-five percent (11.95%) of payroll until next determined by the Board.
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.
TOTAL Contribution:	Twenty-seven point thirty-five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty-seven point ninety-seven percent (27.97%) of payroll through June 30, 2007 <del>8</del> . Beginning July 1, 2007 <del>8</del> , the rate shall be twenty-eight point fifty-eight percent (28.58%) of payroll through June 30, 2008 <del>9</del> . Beginning July 1, 2008 <del>9</del> , the rate shall be twenty-nine point nineteen percent (29.19%) of payroll until next determined by the Board.

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) (Amended 6-30-05) (Amended 2-1-06) ~~(2-1-06)~~ (2-1-07)T

**03. Class E Members.** For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

### **028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).**

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2007~~8~~. Beginning July 1, 2007~~8~~, the rate shall be eleven point thirty-four percent (11.34%) of payroll through June 30, 2008~~9~~. Beginning July 1, 2008~~9~~, the rate shall be eleven point ninety-five percent (11.95%) of payroll until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) (Amended 6-30-05) (Amended 2-1-06) ~~(2-1-06)~~ (2-1-07)T

## **(BREAK IN CONTINUITY OF SECTIONS)**

### **100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).**



# COMMERCE & HUMAN RESOURCE

---

**PUBLIC EMPLOYEE RETIREMENT SYSTEM**  
**Contribution Rule for PERSI****Docket No. 59-0103-0701**  
**TEMPORARY RULE**

---

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 2007~~8~~. Beginning July 1, 2007~~8~~, the rate shall be six point sixty percent (6.60%) of salary through June 30, 2008~~9~~. Beginning July 1, 2008~~9~~, the rate shall be six point ninety-seven percent (6.97%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) (Amended 6-30-05) Amended 2-1-06 ~~(2-1-06)~~T(2-1-07)T

**101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).**

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 2007~~8~~. Beginning July 1, 2007~~8~~, the rate shall be eight point zero-nine percent (8.09%) of salary through June 30, 2008~~9~~. Beginning July 1, 2008~~9~~, the rate shall be eight point fifty-three percent (8.53%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) (Amended 6-30-05) Amended 2-1-06 ~~(2-1-06)~~T(2-1-07)T